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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,460	01/15/2002	Olaf Vancura	2001/7	6092

23381 7590 06/30/2004

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EXAMINER

MARKS, CHRISTINA M

ART UNIT PAPER NUMBER

3713

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/050,460

**Applicant(s)**

VANCURA, OLAF

**Examiner**

C. Marks

**Art Unit**

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01262004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The objection to the abstract for being too long has been withdrawn due to the correction filed 16 January 2004.

### ***Drawings***

The objection to the drawings has been withdrawn due to the correction filed 16 January 2004.

### ***Claim Rejections - 35 USC § 112***

The rejection of claims 1-10 under 35 U.S.C. §112 has been withdrawn due to the correction of the claim language in the amendment filed 16 January 2004.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 4-6, 8,10-12 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (US Patent No, 6,616,142).

Adams discloses a video embodiment of the well-known game of Joker Poker. In joker Poker, the player is presented with a display of symbols that is a result of the spin outcome (FIG 1). The player can hold all cards or choose to replace them with other cards. When a trigger of having a reserved wild card occurs, the system lets the player select and replace a displayed symbol with the wild joker (Column 4). When the player chooses to use their wild card, the symbol it replaces is now a wild symbol and the player is awarded in accord with a payable based on the result of the hand including the changed wild card (Column 5, lines 3-7).

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Regarding claim 2, Adams discloses depicting a paytable (FIG 1, reference 85) and requires the player to make a wager to play (FIG 1, reference 60). As discussed above, the wild symbol serves as a trigger that is a random result of the spin and can be used to replace other symbols.

Regarding claims 4, Adams does not disclose that symbols can correspond to each other, thus the automatic conversion is held to a single symbol only as there is no correspondence among symbols to be accounted for.

Regarding claims 5 and 6, the usage of enhanced multipliers is well known in the art and would be obvious to implement in the eyes of a skilled artisan. A skilled artisan would be motivated to use this multiplier features in order to further attract players with possible larger winnings in association with the wild feature. The usage of special payout features is a design choice, obvious to a skilled artisan, who would be motivated by the wants needs and desires for their system in order to achieve a balance of player excitement and winnings with casino hold. Using special features to supplement this goal is know to these skilled artisans and the choice to use them would thus be obvious.

Regarding claim 8, the selection by the player is that of a strategy as they are playing poker and making the choices in order to optimize their winning chances.

Regarding claims 12 and 19, Adams discloses that the trigger symbol is a wild symbol for use in the game and thus is automatically converted to those properties upon presentation.

Regarding claims 17-18, Adams discloses the trigger symbol is presented and included in the spin outcome (Column 4).

Claims 7, 13-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (US Patent No. 6,616,142) in view of Bennett (US Patent No. 6,089,977).

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What Adams discloses, teaches, and/or suggests has been discussed above and is incorporated herein.

Adams does not disclose converting all of the symbols on a line to the wild symbol after selection.

Bennett discloses such a feature in stating that a wild card can exist that progressively changes each of the remaining symbols in a line to a wild card (FIG 3). Bennett discloses motivation for doing so in that it presents the player with the perception that they have a greater chance of winning and keeps their interest (Column 1, lines 45-55). This advantage draws the player to continue play and thus increases revenue for the casino. It therefore would have been obvious to one of ordinary skill in the art to implement this feature in the game of Adams to further the goal of Adams in providing the player with even more perception of winning. Adams provides this perception by allowing the reserve or a wild. Thus, by supplementing this with the Bennett teachings of roaming the wild, the player would be even further enticed for the reasons disclosed by Bennett and continue to be more likely to wager on the game as a number of symbols would now serve as wild symbols based on the spin outcome.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-8 and 10-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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**US Patent No. 6,102,401:** Method of playing a game that allows a player to replace a card with a wild when a qualifying even of receiving the wild occurs.

**US Patent No. 6,648,758:** Method that allows the player to choose symbols that will adhere to special properties, including being wild.

**US Patent No. 6,193,235:** Gaming method that gives player wild cards for use in their game to replace less desirable cards.

**US Patent No. 5,947,821:** Method that allows a player to pick and reserve a wild card for use in the game.

**US Patent No. 6,347,996:** Gaming method that allows wilds to occur in the bonus game that will replace the needed symbol to achieve a win.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

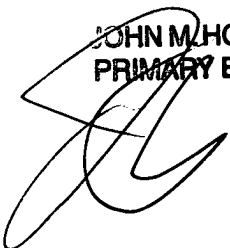
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703)-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
cmm  
June 24, 2004

  
JOHN M. HOTALING, II  
PRIMARY EXAMINER